

Thomas A. Kissane
Partner

212 612-1213
TKissane@schlamstone.com

Schlam Stone
& Dolan LLP

26 Broadway, New York, NY 10004
Main: 212 344-5400 Fax: 212 344-7677
schlamstone.com

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BY ECF

Hon. Colleen McMahon
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *People of the State of New York v. City of New York, et al.*
SDNY No. 20-cv-8924 (CM)(GWG) (consolidated actions)

Dear Judge McMahon:

We are counsel to the Police Benevolent Association. We write for two purposes.

The first is to place before the Court portions of a transcript containing comments by New York City Mayor Eric Adams regarding the Proposed Settlement.

The second is to respectfully request oral argument, at a date convenient to the Court, on the pending motion regarding the Proposed Settlement.

Respectfully,



Thomas A. Kissane

Encl.

Copies To:

All counsel in Consolidated Actions (via ECF).

Transcript: Mayor Adams Holds In-Person Media Availability (excerpted from <https://www.nyc.gov/office-of-the-mayor/news/990-23/transcript-mayor-adams-holds-in-person-media-availability>, omitted text indicated by “. . .”).

December 26, 2023

Deputy Mayor Fabien Levy, Communications: Good morning, everybody. My name is Fabien Levy and I serve as deputy mayor for Communications for the City of New York. . . .

Thank you for joining us again for our weekly in person media availability, and I'm glad that Mayor Adams, our colleagues and I have been able to answer your questions and give New Yorkers a better picture of the work our government is doing for the city. So, like Mayor Adams likes to say, we're a team here, and it's a team I'm proud to be a part of. . . .

So, joining us today we have Mayor Eric Adams, Chief of Staff Camille Joseph Varlack, Deputy Mayor for Operations Meera Joshi, Deputy Mayor for Health and Human Services Anne Williams-Isom, Deputy Mayor for Strategic Initiatives Ana Almanzar, and Chief Counsel Lisa Zornberg. So, without further delay, I'll pass it over to Mayor Adams. . . .

Question: Mr. Mayor, earlier this year NYPD entered into a settlement agreement on how it polices protests — Black Lives Matter protests — after that settlement was reached, changing how the NYPD handles protests, now you see protests relating to the Israel Gaza war, including protesters, including people with some radical politics, shut it down, disrupt things.

So, with this new matrix on how NYPD polices protests out, have you been reviewing the reports that are borne out of these protests, and what do you think of the new protesting system the NYPD is operating under?

Mayor Adams: I'm glad you asked that question, because that is what I keep saying about the two schools of thought. And the byproduct of some of the changes that we've made, I did not agree the concept of those changes. I pushed back hard, and we're going to start to see the byproduct of those changes that were negotiated.

The judge basically, you know, said you all need to come to an agreement. I don't believe that people should be able to just take over our streets and march in our streets. I don't believe people should be able to take over our bridges. I just don't believe you can run a city this complex where people can just do whatever they want.

And the decision that came out of that agreement, I thought it put us on a very troubling direction. And now you're seeing it. You see 1,000 people go to Grand Central station, decided they want to just close down Grand Central station or they want to sit in the street in front of Times Square. We're seeing the byproduct of that.

Question: You're saying the reason that's happening is because the NYPD is operating under this new matrix of policing protest from the settlement; that that is allowing people to, as you said,

take over Grand Central station, this is not something that NYPD would have allowed to happen before the settlement?

Mayor Adams: When you look at the agreement, the right to walk in the streets, the right to just basically... It's more lenient. The Police Department is extremely... Have to be extremely more hesitant in actions that they would have carried out in the past to keep the peace.

And now, what happens, when people peacefully protest it doesn't become a problem. But now we're seeing that some of the peaceful protests are being, they're people who are being embedded in these protests.

We had a person yesterday who started spray painting Starbucks, you know, using hateful terminology, spray painting Starbucks. Riling up the crowd. When police went in to take action, others started joining in. These are very volatile situations.

So, peaceful protesters went in, when you allow violent people to be embedded into peaceful protesters, it moves from a peaceful protest. We had to call a Level 3 yesterday. That's a high-level mobilization, when you have to call a Level 3. And we were able to only have six people arrested. Great level of restraint.

But you can't embolden those people who are watching what's playing out in New York City. People come from all over the country. A lot of our agitators are outside people who come from all over the country and embed themselves into peaceful protests to rile up the crowd.

And so when you look at, since October 7th we had 400 protests, and unlike other municipalities we've been able to monitor that. But you're seeing a small pocket of people who are now becoming part of the protest who are really trying to rile up the crowd and we can't tolerate and accept that.

Deputy Mayor Levy: 483.

Mayor Adams: I'm sorry?

Deputy Mayor Levy: 483.

Mayor Adams: 483, wow. Wow, 483.

Question: If you had issues with the settlement terms, why did the city enter the settlement? Why not just fight it and keep the lawsuit going?

Mayor Adams: The signals we got was they were telling us that we could have had a worse outcome if we didn't come to some type of settlement. That was the signals. As soon as I read the settlement, I said, this is a problem. This is a problem. And you know, you have to go by the advice of your attorneys. But as soon as I read it... Anyone who polices this city should be concerned about what's in the settlement.

Lisa Zornberg, Chief Counsel to the Mayor and City Hall: I should just add just one other thing on that. The settlement imposes a tiered system for responding to protests, so there's a lot that depends on the circumstances. It does not allow protesters to block access to critical infrastructure. I just want to be clear on that.

Deputy Mayor Levy: Of the 483 protests, NYPD estimates about over 161,000 participants participating over the last two and a half three months whatever it is. 161,000-plus. Now, obviously a lot of those are probably the same people but just want that's the number they estimate.

Mayor Adams: And we have 8.3 million people in this city. Out of... You know, you probably have the largest protest I saw was about 5,000. But when 5,000 people take to a street, it makes it challenging and gives the impression that 8.3 million New Yorkers are doing it. And it's not. The average person wants to get to and from his place of employment and provide for his or her family.

And when people do things peacefully, it's fine, but all you need is a small pocket of people, like you saw yesterday, that can disrupt a peaceful protest. And they're there that go, they go for one reason at all, to disrupt. . . .

Media Contact
pressoffice@cityhall.nyc.gov
(212) 788-2958